



Town of Fairhaven

Board of Health

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FAIRHAVEN,
MASS.

January 19, 2022

PRESENT: Michael Ristuccia, Peter DeTerra, Kevin Gallagher, David Flaherty

Call to Order

- a. Chairman, Michael Ristuccia called the meeting to order at 5:00pm. Roll call attendance of the meeting members were taken, all members were present.

2. Welcome and Media Notification

- a. Mr. Ristuccia welcomed everyone and read the media and recording notifications and welcomed the public to speak on items.
- b. Diana Ploss was present via zoom. She said she is recording and livestreaming the meeting.

3. Minutes of the Meeting:

- a. Mr. DeTerra made the motion to approve the minutes of the meeting on January 5, 2021. Mr. Gallagher seconded the motion, vote passed.

4. Health Agent Report/ COVID-19 Update

- a. Mr. Flaherty read his report: As of January 14, 2022: Total Case Count: 3,756. Total Tests in the last 2 weeks 2,875. Total cases in the last two weeks: 547. Positivity Rate of 20.17%. Total vaccinated persons in Fairhaven 10,779. Vaccinated Females is 5,857, 71% Per Capita and 54% Proportion. Fully Vaccinated Males is 4,922, 63% Per Capita and 46% Proportion.
- b. COVID testing is at the Senior Center at 229 Huttleston from 3-5PM on Wednesday. Date, time and location are subject to change.
- c. COVID testing in Acushnet is now for residents only.
- d. Homebound vaccination intake line is 1-833-983-0485
- e. Southcoast is hosting a vaccine clinic tomorrow at the old Vanity Fair in Dartmouth at 375 Faunce Corner Road from 11:30am-6pm offering first, second and third doses.
- f. The United States Government is now sending out home test kits to any American who applies for it online. Up to 4 test kits sent to a single residence address. Test kits can be orders at COVIDTESTS.GOV
- g. Digital vaccine cards are now available online at MYVAXRECORDS.MASS.GOV
- h. DESE (Department of Elementary and Secondary Education) has extended the masking mandate through February 28, 2022. The Department will continue to work with medical experts and State Health Officials to evaluate the mask requirement beyond February 28.
- i. The isolation and quarantine guidance has changed. (ISOLATION) If you test positive, regardless of vaccination status you must stay home for 5 days. If you have no symptoms or the symptoms are resolving after 5 days you can leave your house and continue to wear a mask for an additional 5 days.

(QUARANTINE) If you were exposed to someone who is a confirmed positive and you have been boosted OR completed the primary series of Pfizer or Moderna vaccine within the last 6 months OR completed the primary series of J & J within the last 2 months, wear a mask around others for 10 days and test on day 5 if possible. If you develop symptoms, get a test and stay home.

(QUARANTINE) If you were exposed to someone who is a confirmed positive and you completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted OR completed the primary series of J & J over 2 months ago and are not boosted OR you are un

vaccinated, stay home for 5 days, after that continue to wear a mask around other for 5 days. If you cannot quarantine you must wear a mask for 10 days, test on day 5 if possible. If you develop symptoms get a test and stay home.

- j. State education officials are planning to provide school districts with 200,000 at-home rapid COVID-19 tests for their teachers and staff and are encouraging school personnel to take one of the antigen tests before returning to work after the winter break. The Department of Elementary and Secondary Education said Wednesday that each district will receive enough tests to distribute two to every school staff member, and that superintendents will soon receive more information on the regional sites where districts will be able to pick up their test supply.
- k. Next Blood Pressure Clinic is January 26, 2022 from 1-2pm at Town Hall.
- l. Mr. Flaherty stated Chapter 2 complaints are still coming in and they are being handled accordingly.
- m. There have been no title 5 inspections or installs.
- n. The Food Inspector Tom is updating all food service inspections.
- o. Mr. Gallagher said the COVID home test kits will ship to homes within 7-10 business days. He also mentioned the Bristol County Program "Are you ok?" it is a program for elders to receive a phone call every day to check in on them. Mr. Gallagher also asked for this program to be added to the Towns website.
- p. Mr. Flaherty said the Bristol County Sheriff's Office also had their COVID Dogs at Town Hall and the school recently. They are trained to detect COVID.

5. Discussion of indoor mask mandate by Board of Health

- a. Dr. Dani Hacker, Chief Clinical Officer from Southcoast Health was present via zoom. Dr. Hacker has seen the impact of COVID first hand. He worked the week of Christmas and it was a majority of unvaccinated persons in the ICU and one as young as 20 in the ICU. The contacts are related to indoor spreading. The staff is over tired. There is over 159 patients in the hospital for COVID and there are 90 with severe COVID. Masking and vaccination is the way to save lives. He said they never thought we would be asking the community to take care of themselves and one another, please get vaccinated, boosted and wear a mask. He also asked the Town to take action. Hospitals are operating under code red, which means they have been operating at their highest level for a long time now. He encourages people with lesser symptoms to stay home. Do not spread the virus, and if you would like to speak with a Doctor, to use telehealth. Please respect distances between each other. Dr. Hacker also said that most patients who are testing positive are unvaccinated, and those who are vaccinated and testing positive are usually compromised.
Mr. Gallagher also emphasized that the ER hallways are lined with beds and those with COVID have stickers on them indicating they are COVID positive. He also said, after speaking with a hospital staff member, pre-covid it would be 5 patients to one medical person. Now they are seeing and upwards of 19 patients to one medical person. We need to slow the spread to help the hospitals.
Mr. Ristuccia asked Dr. Hacker about Omicron and how it spreads. Dr. Hacker said that it spreads through the air 10-20x more and it's much more infectious. Some people have the virus mild and some more severe. The virus is making it way through unmasked, indoor spaces.
Elanor Chew was via zoom. In opposition about a mask mandate. States it is not enforceable, there are overwhelmed businesses. People need to be making their own decisions and choices.
Karen Vilandry was via zoom. Is for a mask mandate. Ms. Vilandry says, the truth is we have full ICU and cannot find beds for the critically ill. It is no big deal to put forth a mask mandate, we need to protect ourselves and the entire community. There needs to be further education on masks. Board of Health has the power to mandate masks and protect the Town of Fairhaven.
Phil Washko was present via zoom. Is for a mask mandate. Said it is a no brainer to enforce the mandate.
John Dallen was present via zoom. Did not express verbally whether he was for or against a masking mandate. He currently works for DLS and has worked with the Board of Health in the past. Mr. Dallen states there needs to be more education on masking. The recommendation to use

N95 needs to also include education as it needs to be fitted and worn properly to reduce transmission by 99%. Reuse of a mask wears down its efficacy. He also questioned who will enforce this mask mandate? Medical exemptions stop people from having to wear a mask. We need to teach people how to wear a mask properly. If you are sick, stay home and get tested. Ann Richard was via zoom. Is for a mask mandate. Ms. Richard said everyone should be educated more and a mask mandate should be done right now. Not making it for forever. The mandate will help.

Mr. Gallaher read the names of the emails that were submitted to the office of who was in opposition of a mask mandate; John Dallen, Edward Baldwin, Carolyn Young, and Sheila Dolan. Those for a mask mandate are; Nate Bekemeier and Alice Brewer, Marybeth and Ray Yarmac, Stephen Becker, Janet Cromer, Deb Becker, Karen Vilandry, Jessica Whiteley, Jennifer Forbes, Howe Allen, David DiBiasio, Ann Richard, Mary Jane Richard, and Jessica Fidalgo. Diana Ploss, who is not a resident was via zoom. She opposes a mask mandate. Stated who ever wears a N95 needs to be medically cleared to wear one and it needs to be fitted. Masks do not work according to the CDC and Dr. Fauci. Ms. Ploss also mentioned that the vaccine is still under EUA and is still experimental.

Mr. Ristuccia said people who are in critical care are unvaccinated. He said he is not questioning whether or not the vaccines are doing their job, but they seem to be working.

Leon Corey was via zoom. Said we should not be allowing someone who is live streaming to promote their own political agenda amongst our town, referencing Ms. Ploss.

Mark Badway was present via zoom. Is for a mask mandate. All masks to a certain degree do work, the businesses will do just fine.

Carolyn Lopes was via zoom. Is in opposition for a mask mandate.

Diane Hahn was present at the meeting. Is for a mask mandate. Stated COVID is polarizing due to politics. Masking is what is best for the town. We need to protect our residents and the Board takes an oath to protect the town. She implores the people of the town to have the compassion to have everyone do their part and wear a mask.

Amanda Jane was via zoom. In opposition of a mask mandate. Stated she keeps hearing people say on zoom, it won't kill you to wear a mask. She stated she is medically exempt. She shouldn't have to answer a medical question. All adults have their own choice.

Dan Lopes was via zoom. In opposition of a mask mandate. He agrees with proper education on proper mask wearing. Not for the mask mandate, but more for choice.

Deborah Schnider was via zoom. In opposition to a mask mandate. Stated she has been harassed over wearing a mask when she cannot. Ms. Schnider also questioned why there are not hazardous waste bins, since used masks are considered hazardous waste. Mr. Ristuccia said it is something to look into.

Geoff Haworth was present via zoom. In opposition to a mask mandate. Mr. Haworth was once a Board of Health member. Mr. Haworth stated the biggest problem that the Board of Health faced was enforcement with the last mask mandate by the Governor. The mechanism for compliance is nearly impossible. Mr. Gallagher asked Mr. Flaherty about enforcement during the last mask mandate back in March and there were only 3 actions taken. Mr. Haworth said masks are only effective as the people who wear them. Omicron is going through the masks. Masks are creating a false sense of security. We need to work on education and the Board of Health should use some COVID money for signage and provide better quality masks, mandate in effect or not, some people will not wear one. Mr. Haworth also said he runs a Facebook page called Hometown Fairhaven Uncensored. He conducted a poll on whether or not Fairhaven should have a mask mandate. In 24 hours 193 said no and 51 said yes. The poll also generated over 200 comments all varying yes and no responses.

Anabela Valentim was present at the meeting. She is a restaurant owner in town. Ms. Valentim stated during the last mask mandate most restaurants were only doing takeout or they were closed. Said it is difficult to put the enforcement on the businesses especially when now they are usually short staffed. It is unfair to the business owner who cannot keep an eye on everything. There

would need to be a buffer to protect the owners and management. Ms. Valentim agrees with, stay home if you are sick and get tested, and to get more education. She is against the mask mandate. Mr. Gallagher has said the whole idea is to address that the hospitals are collapsing, to avoid capacity restrictions, to avoid plastic barriers etc, masking is a way to reduce the spread. Jeff Cardoza was present at the meeting. He is a business owner in town. He questioned what would happen in bars? How would they handle the masking in a bar room. Mr. Gallagher said after hearing a lot of views that it has been informative, this is Fairhaven taking care of our residents. It goes back to what he sees on a regular basis. It is difficult to get an ambulance patient to a bed. How can we as a community take a step to make it better? Mr. Gallagher said the collapse of the hospitals scares the hell out him over being told to wear a mask. Mr. DeTerra said he believes education is key but, says it is up to the person to wear a mask. Mr. Ristuccia said this decision is difficult. It is easy to protect yourself. Our focus should be getting people vaccinated. Mr. Ristuccia said he wears a mask when he goes to places and he wears new one every time, if the place is too busy he leaves. He is not trying to tell people what to do and what is good for someone else. People know what the right thing to do is. People will wear a mask if they are concerned and we do not need a Board to tell someone that they have to wear a mask. We need to take care of ourselves as Dr. Hacker said.

Mr. Gallagher made a motion for an:

“EMERGENCY REGULATION REQUIRING FACE COVERINGS IN

ALL INDOOR SPACES OPEN TO THE PUBLIC

January 19, 2022

WHEREAS, on May 28, 2021, Governor Charles Baker declared, pursuant to Section 2A of Chapter 17 of the General Laws, that an emergency exists that is detrimental to the public health in the Commonwealth;

WHEREAS, in response to the spread of the Delta variant and the emerging Omicron variant, the Centers for Disease Control and Prevention (CDC) recommends that persons wear a mask in public indoor settings in areas of substantial or high transmission and the Massachusetts Department of Public Health now advises that all residents, regardless of vaccination status, wear a mask or face covering when indoors (and not in their own home);

WHEREAS, there has been a very substantial increase in Fairhaven of infections from the COVID-19 Delta variant and the rapidly spreading Omicron variant;

WHEREAS, local boards of health are empowered to pass reasonable public health regulations which may be more restrictive than the measures set forth by the Governor, to protect the public health by taking steps to prevent the spread of disease, pursuant to M.G.L. c. 111 §§ 31 and 122;

NOW, THEREFORE, pursuant to M.G.L. c. 111 §§ 31, the Fairhaven Board of Health hereby orders the following:

1. Effective at 12:01am January 20, 2022 face masks covering both the mouth and nose are required for all individuals aged two years and above in all indoor public spaces, houses of worship, or private spaces open to the public except where an individual is unable to wear a face covering due to a medical condition or disability.
2. Food service establishment customers may only remove face coverings when seated.
3. Indoor performance venue customers may only remove face coverings in the actual act of eating and drinking, if permitted in the venue.
4. The mask requirement shall not apply to performers, while performing, provided that they are at least 6 feet away from any customers and other performers.

5. Members, visitors and employees in private membership clubs are required to wear face coverings while indoors.
6. Lodging guests and workers are required to wear face coverings when inside hallways and common areas.
7. Residents, visitors and employees in multi-unit homes and apartments are required to wear face coverings when inside common hallways and spaces.
8. At Personal Services establishments, including, but not limited to, barber shops, hair and nail salons, all customers and workers are required to wear face coverings, except for skin or beard care that occurs on the face, where the customer may temporarily remove the face covering but must immediately put the face covering back on for the remainder of the visit.
9. Masks remain mandatory for all individuals on public and private transportation systems (including rideshares, livery, taxi, ferries, and buses), in healthcare facilities and in other settings hosting vulnerable populations, such as congregate care settings.
10. All entry doors of businesses open to the public must post notice advising customers that face masks must be worn inside the establishment.

This **mandate** will be in effect until February 2, 2022, unless rescinded at an earlier date or extended by vote of the Board of Health at a public meeting.

Until rescinded, the BOH will discuss the status of this order based on COVID-19 cases and infection trends within Fairhaven, Bristol County, and the Commonwealth of Massachusetts at each BOH meeting.

Because of the rapid spread of the disease, action must be taken on an emergency basis before publication can be achieved. Publication nevertheless will be undertaken and notification will be placed on the town website and at the entrance of every facility in which this applies.

1. **Enforcement:**

The Town of Fairhaven Board of Health expects all individuals to comply with this Order. The Board of Health or its designated agent pursuant to G. L. c. 111, § 30, are authorized to enforce this Order in response to complaints involving non-compliance.

2. **Effective Date:** January 20, 2022”

There was no second to the motion, the motion did not continue.

Mr. Gallagher said he greatly appreciated the opinions of everyone and we had a good healthy debate. We can be civil and have differencing opinions. It was a respectful discourse. He would like to look at it yet again, at the next meeting and will continue to monitor the numbers.

6. **Public Comment**

- a. Diane Hahn was present at the meeting. Agrees with education and people need to follow the rules. We need to think outside the box on how to educate. People need to be respected outside of your family. There is 16k people in the town to protect.
- b. Jeff Cardoza was present at the meeting. Said you can get covid anywhere, so wearing a mask in Fairhaven is not going to make a difference.
- c. Anabela Valentim was present at the meeting. Said she does wear a mask when she goes out. She appreciates no mandate and would like more education. We are at a point where people need to make their own choice, we know enough about it to know what to do.

7. **Invoices, Correspondence and Other Business**

- a. Bill's and permits are to be signed at the end of the meeting.

8. **Next Meeting Date: February 2, 2022 at 5:00pm**

- a. Mr. DeTerra made the motion to adjourn at 7:00 pm, Mr. Gallagher seconded the motion, vote passed.